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California Acquisition Manual

PROCEDURE

PROTESTS OF SOLICITATION REQUIREMENTS
(i.e., Complaints, Exceptions, and Initial Protests)

CAM 3.4.8   **DATE: 5/28/1999**

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A. PURPOSE :

Describes PD's internal processing of protests against commodities and information technology solicitation requirements (i.e., complaints, exceptions and initial protests) beginning with the time of protest receipt through the resolution. Complaints, exceptions and initial protests are normally resolved internally by the Procurement Division (PD).

This procedure does not apply to protests of proposed awards, post-award contract disputes, legal suits filed against the state in the civil court system, or to Alternative Protest Pilot Projects.

B. DEFINITIONS: See Glossary Section for definitions. Any definitions included here are for purposes of this procedure only.

Complaint: A supplier's objection to any commodities solicitation requirement, which must be filed within two working days prior to the due date for bids.

Exception: A supplier's objection to any information technology solicitation requirement that may be unnecessarily restrictive, which must be filed with the department prior to the due date established in the solicitation.

Initial Protest: A supplier's objection to any information technology solicitation requirement, which must be filed with the department prior to the due date established in the solicitation.

Protest Resolution Coordinator: An individual in the Protest & Dispute Resolution Unit whose responsibilities include: overseeing the complaint, exception and initial protest processes; determining the relative merit of a complaint, exception or initial protest and/or its solicitation process; recommending resolutions to the PD Deputy Director on all initial protests; recommending resolution strategies and options to management and parties; ensuring that all responses are the best quality possible (e.g., clear, logical and fact-based); tracking resolutions; and coordinating with unit managers to develop and implement needed process changes discovered during the resolution process.

C. POLICY OR PROCEDURE:

IMMEDIATE ACTION REQUIRED: Immediately (within one hour) upon receiving a complaint, bidder's exception to, or an initial protest against a solicitation's requirements, contact the Protest & Dispute Resolution Manager:
   a. By Telephone: Susan Chan at 916/375-4601;
   b. By Fax: 916/375-4614; and
   c. By cc:Mail or Internet e-mail: susan.chan@dgs.ca.gov

D. RESPONSIBILITIES:

I. Buyer
    a. Receives complaint, exception to, or initial protest against a solicitation's requirements
    b. Immediately notifies the Protest Resolution Coordinator (Coordinator)
    c. Initiates and coordinates resolution with the Coordinator
    d. Drafts written responses
    e. Completes and documents resolution actions, and provides a copy to the Coordinator

II. Protest Resolution Coordinator
    a. Receives notification of complaint, exception to, or initial protest ("protest") against a solicitation's requirements
    b. Establishes contact with buyer
    c. Conducts an independent review of the "protest" and the solicitation
    d. Consults with legal counsel for advice and opinion regarding actions and resolution options
    e. Proposes a resolution to management and parties
    f. Escalates high-profile commodities issues and information technology initial protests with proposed resolutions to the Deputy Director
    g. Prepares and/or assists with written responses
    h. Keeps a record of the situation and its resolution
    i. Coordinates any recommended process changes with unit manager(s)

E. APPENDICES:

I. *None*

F.   AUTHORITY AND REFERENCES:

I. Statutory:
    a. Public Contract Code § 12102(h) - Information Technology solicitations
II. Administrative
    a. *None*
III. Procedural
    a. Bidders Instructions (GSPD-450, eff. 1/1/99), Paragraph 12 "Specifications Concerns"

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